

BOARD BILL NO. 374 INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in the eastern 25 feet of Spring from
3 Gratiot northwardly approximately 249.65 feet \pm 3.93 feet to a point and adjacent to City Block
4 2185B in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter
5 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain
6 conditions on such vacation.

7 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10
11 A tract of land being part of the east right of way line of South Spring Avenue 50.00
12 feet wide (adopted right of way width) as shown in City Block 3932 also shown in
13 City Block 2185 as 49 feet 6 inches wide of the City of St. Louis, Missouri, said tract
14 being more particularly described as follows:

15
16 Beginning at the point intersection of the east right of way line of said
17 South Spring Avenue with the north right of way line Gratiot Street;
18 thence along said north right of way line north 76 degrees 39 minutes
19 35 seconds west a distance of 25.00 feet to the centerline of said
20 South Spring Avenue; thence along said centerline of South Spring
21 Avenue north 13 degrees 35 minutes 25 seconds east a distance of
22 245.70 feet; thence along a curve to the right, having a radius of
23 2728.52 feet, which chord bears north 85 degrees 50 minutes 25
24 seconds east, a chord distance of 26.25 feet, through an arc distance
25 of 26.25 feet to the east right of way of said South Spring Avenue;
26 thence along said east right of way of South Spring Avenue south 13
27 degrees 35 minutes 25 seconds west a distance of 253.60 feet to the
28 point of beginning; the above tract containing 6,242 square feet is
29 based upon an actual boundary survey executed by Cole and
30 Associates, Inc. during the month May 2008 and is subject to all
31 easements, restrictions, reservations and conditions of record.

32
33 are, upon the conditions hereinafter set out, vacated.
34

Date: January 9, 2009

Page 1 of 3

Board Bill # 374

Sponsor: Alderman Joseph Roddy

1 **SECTION TWO:** Team Taz, LLC will use the vacate area to consolidate property for
2 commercial development.

3 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
4 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
5 including present and future uses of utilities, governmental service entities and franchise holders,
6 except such rights as are specifically abandoned or released herein.

7 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
8 surface pavement of said so vacated street provided however, all utilities within the rights-of-way
9 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

10 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
11 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
12 for purposes associated with the maintenance, construction or planning of existing or future
13 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
14 required.

15 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
16 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
17 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
18 service entities and franchise holders, present or future. The written consent with the terms and
19 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
20 agencies as needed and approved by such Board prior to construction.

21 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
22 of a utility, governmental service entity or franchise holder by agreement in writing with such
23 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
24 undertaking of such removal.

Date: January 9, 2009

Page 2 of 3

Board Bill # 374

Sponsor: Alderman Joseph Roddy

1 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
2 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
3 have curbing cobblestones returned to the Department of Streets in good condition.

4 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
5 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
6 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
7 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
8 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
9 deposited by these agencies with the Comptroller of the City of St. Louis.

10 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
11 Water facilities, if any.

12 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
13 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
14 be returned.

15 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
16 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
17 specified in Sections Two and Eight of the Ordinance.

18 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
19 of Streets for review of compliance with conditions one year (365 days) from the date of the signing
20 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
21 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
22 within the prescribed time the ordinance will be null and void.

Date: January 9, 2009

Page 3 of 3

Board Bill # 374

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